

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

DONATO APONTE NAVEDO, BELKIS  
ISABEL SANTIAGO MARTÍNEZ, AND  
THEIR COMMUNITY OF ASSETS AND  
GAINS,

Plaintiffs,

v.

NALCO CHEMICAL COMPANY, JOSÉ  
SERRANO AND HIS WIFE JANE DOE (1),  
AND THEIR COMMUNITY OF ASSETS  
AND GAINS, JORGE CASTILLO AND HIS  
WIFE JANE DOE (2), AND THEIR  
COMMUNITY OF ASSETS AND GAINS,  
ASHOK PAUL DUGGAL AND HIS WIFE  
JANE DOE (3), AND THEIR COMMUNITY  
OF ASSETS AND GAINS AND ABC  
INSURANCE,

Defendants.

Case No. 09-cv-01232-JA

Magistrate Judge Marcos E. López

**DEFENDANT'S' MOTION TO HOLD PRE-TRIAL PROCEEDINGS  
ON THE RECORD**

Defendants Nalco Company (“Nalco”) and Ashok Paul Duggal (“Duggal”) (collectively “Defendants”), by and through their attorneys, and in support of this motion, respectfully state as follows:

1. The Court has set the final pre-trial and settlement conference in this matter for Tuesday, January 31 at 3:30 pm.
2. During the course of this litigation, the parties have had numerous disagreements over what has been stated or represented by the parties’ respective counsel during various meet and confer discussions.

3. Defendants submit that on numerous occasions, Plaintiff's counsel has mischaracterized the nature of discussions between the parties, what has transpired during prior Court hearings, and has even severely mischaracterized prior court rulings.

4. Defendants anticipate that during the pre-trial conference, the parties will have substantive discussions concerning this case with the Court and that the Court may, as appropriate, issue rulings concerning the handling of this case going forward.

5. In order to avoid any further misunderstandings and to appropriately preserve any issues for the record, Defendants respectfully request that the pre-trial conference, with the exception of any discussions concerning potential settlement, be transcribed by a court reporter.

WHEREFORE, Defendants respectfully request that the Court hold the pre-trial conference, excluding any potential settlement discussions, on the record before a Court reporter.

**DATED: January 30, 2012**

Respectfully submitted,

NALCO COMPANY, ASHOK DUGGAL

By: s/ Natascha B. Riesco  
One of Their Attorneys

*Attorneys for Defendants*

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**CERTIFICATE OF SERVICE**

The undersigned attorney certifies that she caused a true and correct copy of the foregoing **MOTION TO HOLD THE PRE-TRIAL PROCEEDINGS ON THE RECORD** to be served upon the following attorney via the CM/ECF filing system on this 30th day of January, 2012:

Juan Jose Martinez Rodriguez  
PMB-570, 1353 Luis Vigoreaux Ave.  
Guaynabo, PR 00966  
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s/ Natascha B. Riesco  
Natascha B. Riesco